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THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF NEVADA

MB FINANCIAL BANK, N.A., a national  
 banking corporation,,

Plaintiff,

v.

ROY A. WALKER, a Nevada resident,

Defendant.

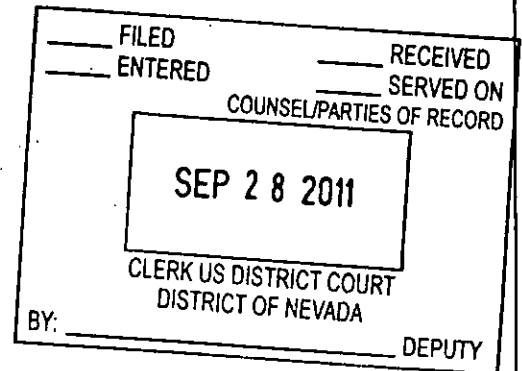
Case No.: 3:10-CV-00636-RCJ-VPC

SECOND JOINT MOTION TO  
 EXTEND DEADLINE TO FILE  
 DISPOSITIVE MOTIONS

Plaintiff MB Financial Bank, N.A. ("MB Financial") and Defendant Roy A. Walker ("Walker") (collectively, the "Parties"), jointly move the Court for an order granting the Parties an additional fourteen days, through and including October 12, 2011, to file dispositive motions. The Parties likewise request a corresponding extension of the Joint Pretrial Order deadline. In support of this motion, the Parties respectfully state as follows:

Procedural Background

1. Pursuant to the Court's January 12, 2011 [Dkt. 69] Order, the following deadlines have been established: (1) Fact discovery deadline - April 29, 2011; (2) Disclosure of



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1 expert witnesses - May 31, 2011; (3) Disclosure of rebuttal experts - June 28, 2011; (4)  
2 Deadline to complete depositions - July 27, 2011; (5) Dispositive motions deadline - August  
3 29, 2011; and (6) Joint pretrial order deadline - September 30, 2011.

4 2. At this time, all necessary discovery has been completed. In particular, the  
5 parties, respectively, have completed written discovery, produced all requested discoverable  
6 documents in their possession, and have engaged in third-party discovery. The Parties have  
7 also completed all depositions. Neither Party intends to introduce expert witnesses at trial.

8  
9 *The Parties Have Engaged in Good Faith Settlement Negotiations*

10 3. On or about July 26, 2011, and in furtherance of the ongoing settlement  
11 negotiations, the Parties met in-person in Reno, Nevada. At the conclusion of the meeting  
12 Walker made a good faith counter-proposal to MB Financial that involved the exchange of title  
13 to certain real property.

14 4. The Parties believe there is a realistic possibility of settlement. Unfortunately,  
15 due to the inclusion of the real-property as part of a settlement, certain time-consuming  
16 preliminary tasks must be performed as part of the Parties' negotiations.

17 5. For example, internal procedures at MB Financial require a full appraisal of the  
18 real property described above. This appraisal has been completed, but delayed MB rendering it  
19 unable to provide its response to Walker's settlement proposal prior to September 22, 2011.

20 6. In addition, because Walker owns the real property in question jointly with a  
21 third-party, he must first negotiate acquisition of the entire property prior to responding to  
22 MB's counter-offer.

23 7. The Parties both believe that they are getting close to a successful resolution of  
24 this case. But the Parties require additional time to complete the tasks necessary include the  
25 real property as partial consideration of a settlement.  
26  
27  
28

Good Cause Exists for this Requested Extension

8. The Parties have and continue to actively negotiate an amicable resolution to the matter in good faith. However, to the extent the Parties are ultimately unable to resolve their differences without the Court's involvement, they both intend to file dispositive motions as certain issues appear to be ripe for summary adjudication, and will streamline or obviate issues necessary for trial.

9. This is the second extension of time requested by the Parties and neither Party will be prejudiced by an extension.

10. In light of the above, good cause exists for this joint request for a brief, two-week extension of time.

WHEREFORE, MB Financial and Walker jointly request that the Court enter an order (1) extending the deadline within which the Parties must submit dispositive motions an additional fourteen days, through and including October 12, 2011, and (2) granting a corresponding extension of the Joint Pretrial Order deadline.

Dated this 26th day of September, 2011.

By: /s/ Lee Gray

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**IT IS SO ORDERED**

  
U.S. MAGISTRATE JUDGE

DATED: September 28, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that on September 26, 2011, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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